



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-106-17

Property Address: 615 N. Boylan Avenue

Property Owner: 615 Boylan LLC

Project Contact: F. Thomas Murphy

Nature of Case: A request for a variance from the requirement that all new primary electrical distribution lines be placed underground as set forth in Section 8.7.4.B. of the Unified Development Ordinance in order to allow a pole mounted electrical transformer on a .23 acre parcel zoned Neighborhood Mixed –Use-5 Parking Limited and located at 615 N. Boylan Avenue.

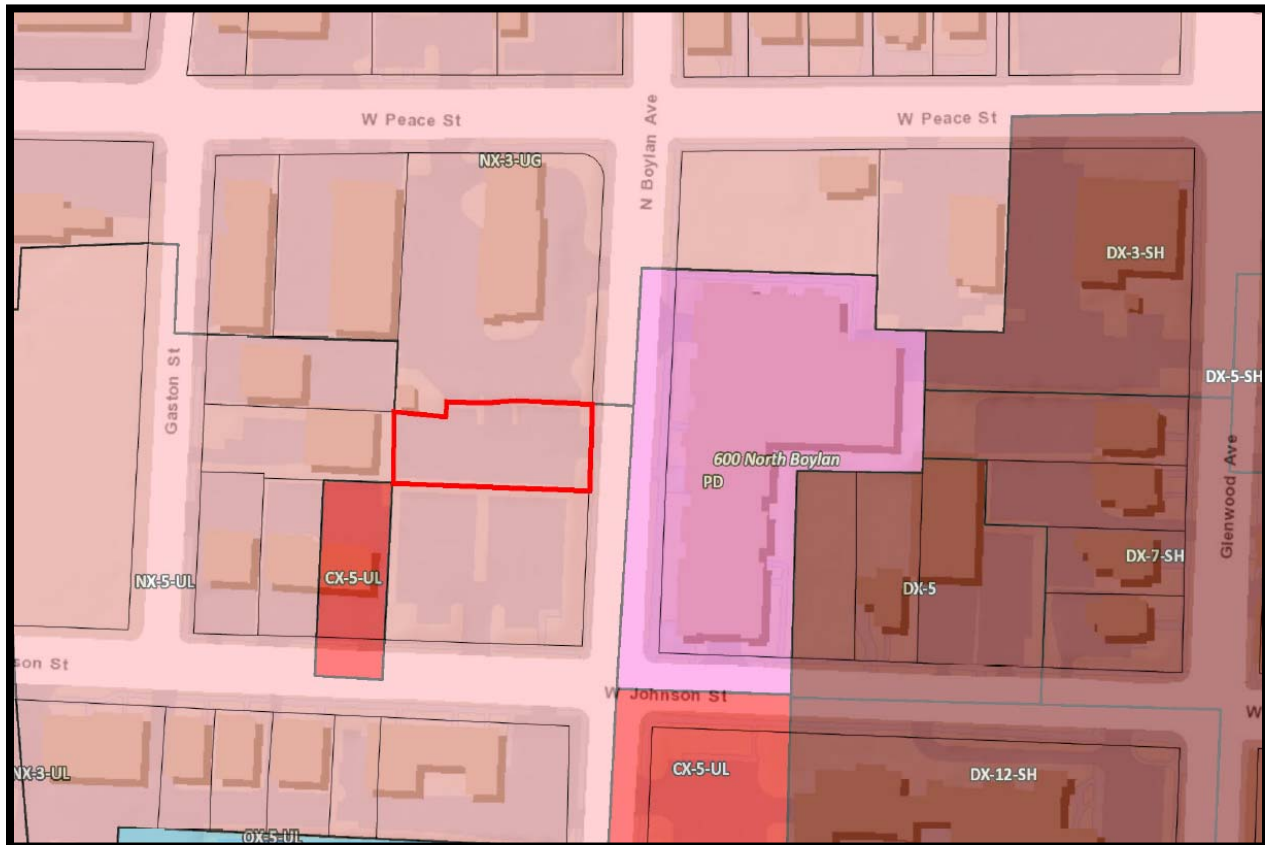


615 N. Boylan Avenue – Location Map

To BOA: 9-11-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Neighborhood Mixed-Use 5 Parking Limited



615 N. Boylan Avenue – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Sec. 8.7.4. Underground Utilities

A. Extension of Utility Systems

Electrical and telephone service shall be extended by the developer to each lot within a development.

B. Primary Services

All new primary electrical, telephone, fiber optic and cable distribution lines installed to serve a project shall be placed underground within the entire development to serve each parcel or building, without expense to the City.

C. Secondary Services

1. Within the development, all new secondary utilities installed to serve the project shall be placed underground without expense to the City.
2. Secondary utilities shall be underground from the point they enter the site and shall include but not be limited to pad mounted or subterranean transformers, secondary electrical, telephone, fiber optic and cable distribution lines.
3. Underground secondary electrical services shall originate from a ground mounted or subterranean electrical transformer. Ground mounted transformers shall not be located in the public right-of-way.

D. Street Lights

1. When installing underground electrical and telephone service, underground terminal facilities for street lighting shall be installed along public streets. All street light designs must follow the Standards for Roadway Illumination as established by the Illuminating Engineering Society of North America.
2. The average maintained footcandle level for outlying and rural roads as defined by Illuminating Engineering Society of North America shall be no less than 3/10 and the uniformity ratio shall be no greater than 64.
3. The City will not take responsibility for any street lighting system until it meets the above standards.

E. Inside a CM District or Protective Yard

1. Underground utilities that traverse a CM District or a protective yard for a distance of at least 50 feet or more shall be built with a bend to prevent direct sight view through the district or yard provided that such a bend does not exceed a 90-degree angle.

2. The requirement of a bend may be waived or modified by the Raleigh Director of Public Utilities where the gradient will not permit gravity flow or where the CM District or protective yard fails to contain a vegetative screen.

3. In tree conservation areas adjacent to the street that are zoned -MPOD, CM or -SHOD, or contain a Parkway Frontage, utilities serving the development shall be located within driveways and other authorized incursions of the tree protected area.

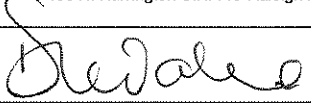

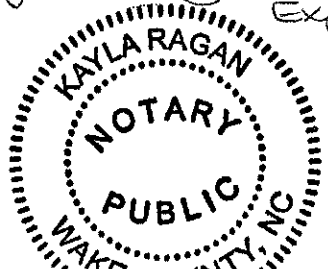
Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): See Attached	Transaction Number A-106-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. Not Applicable	

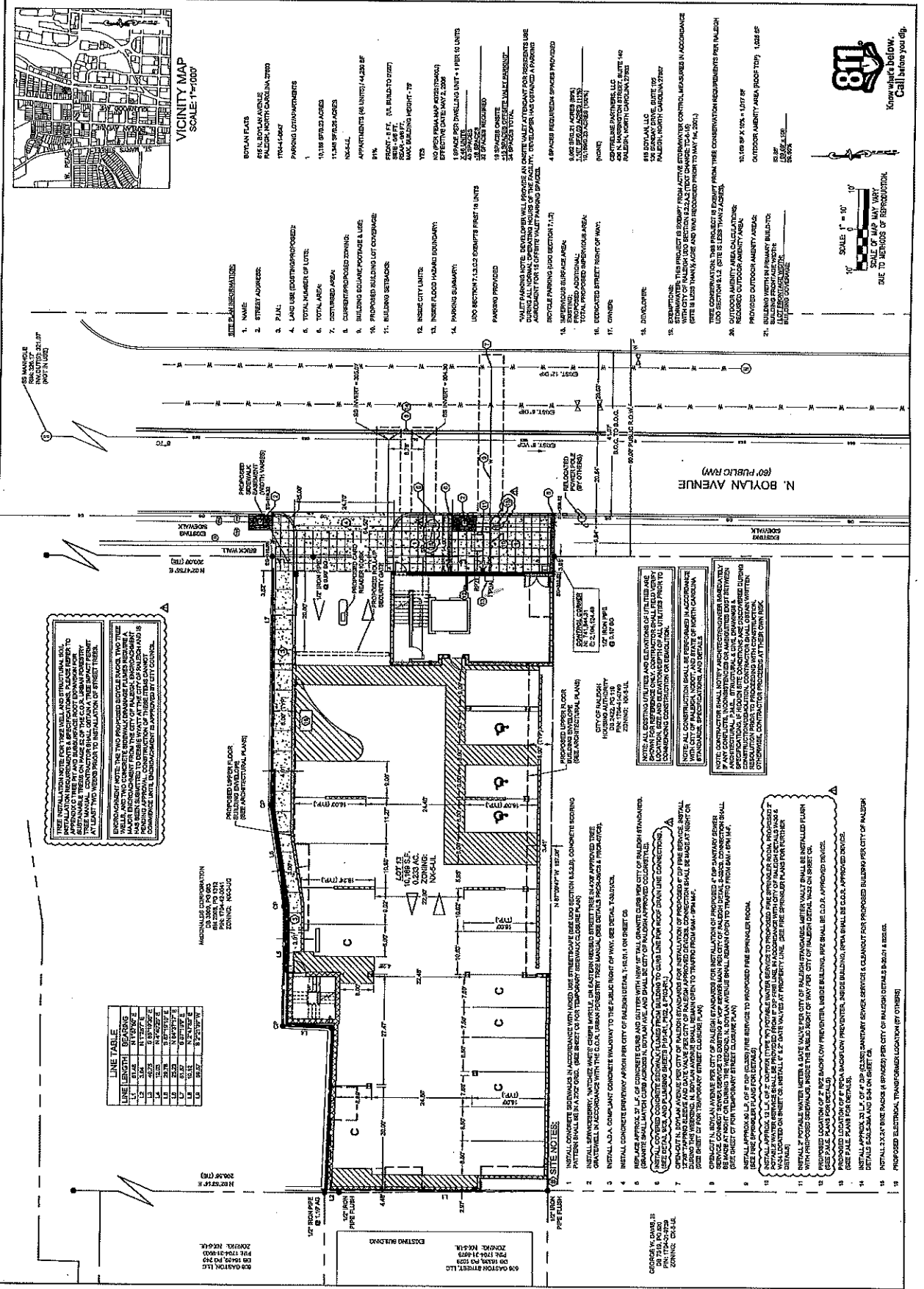
GENERAL INFORMATION		
Property Address 615 N. Boylan		Date 8/3/2017
Property PIN 1704-41-0847	Current Zoning NX-5-UL	
Nearest Intersection Peace Street		Property size (in acres) 0.233
Property Owner 615 Boylan, LLC	Phone 919-999-0160	Fax NA
Owner's Mailing Address 610 Country Ln., Cary NC 27513	Email dsw@welcomeholdings.com	
Project Contact Person F. Thomas Murphy	Phone 919-838-9934	Fax 919-838-9995
Contact Person's Mailing Address 436 N. Harrington St. #140 Raleigh NC 27603	Email tom@olive-arch.com	
Property Owner Signature 	Email dsw@welcomeholdings.com	
Notary Sworn and subscribed before me this <u>11th</u> day of <u>August</u> , 20 <u>17</u>	Notary Signature and Seal  Exp. 12.8.2018 	

APPLICATION FOR VARIANCE:

PROPERTY ADDRESS: 615 N. BOYLAN AVENUE

Nature of variance request (if more space is needed, submit addendum on separate sheet):

The applicant is requesting a variance from the requirement that all new primary electrical distribution lines be placed underground as found in Section 8.7.4.B of the Unified Development Ordinance (UDO). The applicant proposes to pole mount the required transformer as was suggested by Duke Energy and as reflected on the plans associated with the approved building permit.



LIST OF ADJOINING PROPERTY OWNERS

PIN	Site Address	Owner	Mail Address	City State Zip
1704318878	606 GASTON ST	606 GASTON STREET LLC	712 W JOHNSON ST	RALEIGH NC 27603-1191
1704319739	710 W JOHNSON ST	JOHNSON 710 LLC	710 W JOHNSON ST	RALEIGH NC 27603-1230
1704319903	608 GASTON ST	608 GASTON, LLC	733 W JOHNSON ST	RALEIGH NC 27603-1259
1704410749	603 N BOYLAN AVE	HOUSING AUTH CITY OF RALEIGH	900 HAYNES ST	RALEIGH NC 27604-1462
1704410847	615 N BOYLAN AVE	615 BOYLAN LLC	2601 OBERLIN RD STE 101	RALEIGH NC 27608-1319
1704420041	703 W PEACE ST	MCDONALDS CORPORATION (32-0018)	PO BOX 182571	COLUMBUS OH 43218-2571